

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Servants – Agricultural Marketing Department – Departmental proceedings initiated against Sri Sk.Chinna Mastanvali, Ex- Secretary, Grade-I (Now Retd), A.M.C. Palakonda for certain allegation of irregularities in implementation of RBP Scheme Etc. – Imposing of Penalty - Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Ms.No. 25

Dated: 23-02-2013
Read the following:-

1. Charge Memo No. Unit XI/A/34/2002, Dt:12.06.2002 of the D.O.M., Hyd.
2. Proceedings No. Unit XI/A/34/2002, Dt:16.11.2002 of the D.O.M., Hyd.
3. Appeal Petition of Sri Sk.Chinna Mastanvali, Secy Gr-III, dt:09.12.2002.
4. G.O.Rt.No.238, A&C (Vig-II) Dept., dt:18.03.2003.
5. From Sri Sk.Chinna Mastanvali, Secy Gr-III, AMC, Akiveedu, Revision Petition dt:27.10.2004.
6. Govt. Memo.No.16976/Vig-II (1)/2004, dt.3-1-2005
7. From APAT Order dt.30-07-2007 in O.A.No.795/2005 with VMA No.382/2005 and CA No.314/2005.
8. Govt.Memo.No.3176/Vig-II(1)/2005-9, dt. 11-9-07.
9. From C&DOAM, Hyd. Lr.No.DS(2)610/2004, dt.12/04/2012 along with the Inquiry Officer, Visakhapatnam
10. Govt.Memo.No.3176/Vig-II(1)/2005-12, dt.14-05-2012.
11. Reprn. dt.15/06/2012 Sri Sk.Chinna Mastanvali, the then Secretary, Grade-I (Now Retd), , A.M.C. Palakonda.
12. Govt.Memo.No.3176/Vig-II(1)/2005-13, dt.13-08-2012.
13. Reprn., dt.29/08/2012 Sri Sk.Chinna Mastanvali, Ex - Secretary, Grade-I (Now Retd), , A.M.C. Palakonda.
14. Govt.Memo.No.3176/Vig-II(1)/2005-14, dt.11-10-2012.
15. From C&DOAM, Hyd. Lr.No.DS(2)610/2004, dt.25/12/2012.
16. Govt. Memo Lr.No.3176/Vig-II(1)/2005-15, dt.11-01-2013.
17. From the Secretary I/C, APPSC, Lr.No.138/RT/1/2013, dt:23.01.2013.

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ORDER:

It has been brought to the notice of Government that certain alleged irregularities in implementation of R.B.P Scheme and misappropriation of amount, the Commissioner & Director of Agricultural Marketing, Hyderabad had initiated disciplinary proceedings by framing charges against Sri Sk. Ch. Mastanvali, Ex-Secretary Grade-I, A.M.C. Palakonda vide reference 1st read above and concluded the disciplinary proceedings by awarding a penalty of "Dismissal from Service" against him vide reference 2nd cited.

2. Sri SK. Ch. Mastanvali, Secretary Grade-I (Dismissed) filed an appeal petition before the Government vide reference 3rd read above. In the reference 4th read above, orders were issued reducing the punishment of "Dismissal from Service to reversion" from Secretary Grade-I to Secretary Grade-II against Sri SK. Ch. Mastanvali, permanently.

3. Sri SK. Ch. Mastanvali, Secretary Grade-II, filed a revision petition before Government vide reference 5th read above. Government, in the reference 6th read above rejected the revision petition filed by Sri SK.Ch.Mastanvali, Secretary Grade-II, as he did not put forth any new grounds to consider his request.

4. Aggrieved by the above, Sri SK.Ch.Mastanvali, Secretary Grade-II, has filed a O.A.No.795/2005 before A.P. Administrative Tribunal. The A.P.A.T. in its judgment dt.30.07.2007 have ordered as follows:-

".....No depositions are recorded and the Enquiry Officer did not desires the evidence in the findings portion of the report. This action of the Enquiry Officer is clearly contrary to the rules supra with regard to the conducting of disciplinary proceedings. In the circumstances, this Tribunal, without going into the merits and demerits of the charges and also the other contentions raised by the applicant, set aside the orders of punishment as confirmed by the appellate authority as well as the reviewing authority. However, this order shall not defer the authorities to proceed in accordance with rules....."

/PTO/

5. In the reference 8th read above, the Commissioner & Director of Agricultural Marketing, Hyderabad was requested to take further action in the matter from the stage at which the disciplinary proceedings are vitiated and the inquiry may be remitted back to the Inquiry Officer to conduct the inquiry and to submit the Inquiry Report by giving opportunity to the Charged Officer to cross examine the witnesses and after following the due procedure stipulated in the rules. The Commissioner & Director of Agricultural Marketing, Hyderabad vide office Procs.dt.27.09.2007, the Joint Director of Marketing, Visakhapatnam was appointed as Inquiry Officer. The Inquiry Officer has submitted the Inquiry Report dt.27-02-2012.

6. In the reference 10th read above, while communicating a copy of inquiry report to Sri Sk. Ch. Mastanvali, Ex-Secretary Grade-I(Retired), A.M.C. Palakonda was requested to submit his representation, if any, on the findings of the Inquiry report. In turn Sri Sk. Ch. Mastanvali, Ex-Secretary Grade-I(Retired), A.M.C. Palakonda has submitted his representation.

7. Government have examined the matter and provisionally decided to impose a penalty of withholding of 10% pension for a period of 5 (five) years against Sri S.K. Ch. Mastanvali, Ex-Secy, Gr.I (Retd.) under Rule 9 of the A.P. Revised Pension Rules, 1980.

8. In the reference 12th read above, a show cause notice was issued to Sri SK. Ch. Mastanvali, Ex-Secy, Gr-I (Retd.) with a direction to show cause as to why the penalty of withholding of 10% pension for a period of 5 (five) years should not be imposed against him for the charges held proved against him. Sri SK. Ch. Mastanvali, Ex-Secy, Gr-I (Retd.) has submitted his explanation to the show cause notice requesting to drop further action against him.

9. Government have examined the matter carefully with reference to the record of inquiry and the representation submitted by the Charged Officer and decided to impose a penalty of withholding of 10% pension for a period five years against Sri SK. Ch. Mastanvali, Ex-Secy, Gr-I (Retd.) under Rule 9 of the A.P. Revised Pension Rules 1980, in the above disciplinary case. Accordingly, Government have consulted the A.P. Public Service Commission for their concurrence vide reference 16th read above as per rules in force.

10. In the reference 17th read above, the Andhra Pradesh Public Service Commission, Hyderabad has concurred the proposal of the Government to impose a penalty of withholding of 10% pension for a period of 5 (five) years against Sri SK. Ch. Mastanvali, the Ex- Secretary, Grade -I (Retired).

11. Government, after careful examination of the entire matter, have decided to impose a penalty of withholding of 10% pension for a period of 5 (five) years against Sri SK. Ch. Mastanvali, Ex - Secretary, Grade -I (Retired) under Rule 9 of the A.P. Revised Pension Rules, 1980. Accordingly, Government hereby order to impose a penalty of withholding of 10% pension for a period of 5 (five) years against Sri SK. Ch. Mastanvali, Ex- Secretary, Grade -I (Retired) under Rule 9 of the A.P. Revised Pension Rules, 1980.

12. The Commissioner and Director of Agricultural Marketing, Hyderabad shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

I.Y.R. KRISHNA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri SK. Ch. Mastanvali, Ex- Secretary, Grade -I (Retired)

(Through: The Commissioner & Director of Agricultural Marketing, A.P.,
Hyderabad)

Copy to: -

The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad along with
Service Register received vide C&DOAM, Hyderabad, Lr. dt:29.12.2012.

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.

Sc/Sf.

// FORWARDED BY ORDER //

SECTION OFFICER